



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-4

October 4, 2013

Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program

HEARING OFFICER RULING ON PETITION TO INTERVENE LATE

On April 1, 2013, the Department of Telecommunications and Cable ("Department") issued an Order Opening Investigation in this proceeding. In light of the Federal Communications Commission's ("FCC") *Lifeline Reform Order*,¹ the Department is investigating the implementation of the FCC's Lifeline reforms in Massachusetts and any Department requirements necessary to implement these reforms, advance universal service, and safeguard the federal universal service fund against waste, fraud, and abuse.

On May 7, 2013, the Department granted leave to intervene in this proceeding to Budget PrePay, Inc., d/b/a Budget Mobile; Granby Telephone, LLC, d/b/a OTT Communications; T-Mobile USA, Inc.; TracFone Wireless, Inc.; Virgin Mobile USA, L.P.; Verizon New England, Inc., d/b/a Verizon Massachusetts; and YourTel America, Inc. The Department also granted limited participation status to Nexus Communications, Inc., and the National Consumer Law Center. The Department acknowledged the intervention of the Attorney General of the Commonwealth of Massachusetts on May 23, 2013.

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Lifeline & Link Up Reform & Modernization, WC Docket No. 11-42, *Rep. & Order & Further Notice of Proposed Rulemaking*, FCC 12-11 (rel. Feb. 6, 2012).

On September 10, 2013, Boomerang Wireless, LLC (“Boomerang”) filed a Petition to Intervene Late (“Petition”), seeking party status, or, alternatively limited participant status. A petition for leave to intervene must satisfy the substantive requirements of 220 C.M.R. § 1.03(1). Petitioners must establish that they are substantively and specifically affected by the proceeding. 220 C.M.R. § 1.03(1)(b). The Department finds that Boomerang, which has filed an application for designation as an Eligible Telecommunications Carrier in Massachusetts, has established that it is substantially and specifically affected by this proceeding and that its Petition otherwise satisfies the requirements of 220 C.M.R. § 1.03(1). In addition, Boomerang states that no party would be prejudiced by the granting of its Petition. Petition at 3. Indeed, no party to this proceeding has opposed the Petition. Therefore, the Department grants Boomerang leave to intervene as a party in this proceeding.

/s/ Sean M. Carroll

Sean M. Carroll
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.